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10/792,272	03/04/2004	Young Kuk Kim	LT-0035	5716
34610 7590 04/30/2009 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
KHAN, ASHER R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,272

Applicant(s)

KIM ET AL.

Examiner

ASHER KHAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-15 and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/15/2009 have been fully considered but they are not persuasive.

In re page 10 lines 5-9, Applicants argue with respect to claim 1 that the following features are not taught or suggested by the cited references: " the second parental code corresponds to one of a plurality of parental levels selected by a user for the video signal" and that "the second parental grade code is recorded in a navigation area of a disc from which the video signal is received."

In response the examiner respectfully disagrees. Sawabe discloses "the second parental code wherein the second parental code corresponds to one of a plurality of parental levels (Fig. 6, LVL #1, LVL #2 and etc; Col. 2, lines 13-20; Col. 15, lines 5-31). Kim discloses that parental levels are selected by a user for the video signal (Fig. 3B). Motivation to combine Sawabe with the teachings of Kim would have been to allow users to change parental levels, so that desired parental control could be achieved by a parent. Sawabe disclose wherein the second parental grade code (Fig. 6, LVL #1, LVL #2 or etc) is recorded in a navigation area (Video Manager 2) of a disc from which the video signal is received (Col. 5, lines 55-61). Motivation to combine Lewis with the teachings of Sawabe would have been to provide a parental code on a DVD that does not have a parental code already present on it. Thereby controlling production of programs according to their parental level and allowing parents to control exposure to video contents.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8-15, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,385,388 B1 to Lewis et al. "Lewis" in view of U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" and in further view of U.S. Patent 6,519,412 to "Kim".

As to claims 1 and 25, Lewis discloses a method, comprising:
determining whether a first parental grade code is included with a video signal (Fig. 10, 123; Col. 7, lines 21-37);
generating an on screen display message when the first parental grade code is not included with the video signal (Fig. 10; Col. 7, lines 21-37);

Lewis does not expressly disclose generating a second parental code wherein the second parental code corresponds to one of a plurality of parental levels selected by a user for the video signal;
generating information that indicates the generation of the second parental code;
and blocking viewing of an entire program corresponding to the video signal based on the second parental code, wherein the second parental grade code is recorded in a navigation area of a disc from which the video signal is received and wherein viewing of

the entire program is blocked based on detection of the second parental code in the navigation area of the disk.

Sawabe discloses generating a second parental code wherein the second parental code corresponds to one of a plurality of parental levels (Fig. 6, LVL #1, LVL #2 and etc; Col. 2, lines 13-20; Col. 15, lines 5-31); and blocking viewing of an entire program corresponding to the video signal based on the second parental code (Fig. 6; Col. 4, lines 11-16; blocking of contents occurs based on levels on the disk), wherein the second parental grade code is recorded in a navigation area (Video Manager 2) of a disc from which the video signal is received (Col. 5, lines 55-61) and wherein viewing of the entire program is blocked based on detection of the second parental code (Fig. 6, LVL #1, LVL #2 or etc) in the navigation area (Video Manager 2) of the disk (Col. 15, lines 10-31).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis with the teachings of Sawabe. Motivation to combine would have been to provide a parental code on a DVD that does not have a parental code already present on it. Thereby controlling production of programs according to their parental level and allowing parents to control exposure to video contents.

Lewis and Sawabe as modified do not expressly disclose generating information that indicates the generation of the second parental code and parental levels are selected by a user for the video signal.

Kim discloses generating information that indicates the generation of the second parental code (Fig. 3A);

Parental levels are selected by a user for the video signal (Fig. 3B).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe as modified with the teachings of Kim. Motivation would have been to provide a password screen indicating password input requirement to allow only the allowed users to be able to change parental codes.

As to claim 2, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses wherein the first parental code is information received and associated with the video signal, wherein the video signal is received from an external source (Abstract; Fig. 10)

As to claim 3, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses wherein the first parental code is information recorded in a memory of a recordable medium (Col. 7, lines, 21-30).

As to claim 6, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses wherein the second parental code is generated as a value set by the user (Abstract; Figs. 6-11, 12A and 12B; Col. 2, lines 60-67, Col. 3, lines 1-18; Col. 14, lines 13-67, Col. 15, lines 1-32; Col. 12, lines, 30-67).

As to claim 8, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses wherein the disc includes a plurality of video programs (Fig. 1, VTS #n).

As to claim 9, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe further discloses wherein an optical disc player for reproducing the disc includes a single parental code level (Col. 11, lines 36-42).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Kim as modified with the teachings of Sawabe. Motivation to combine would have been to provide a parental code to control video reproduction.

As to claim 10, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe discloses wherein the information is time information indicating when the second parental code is generated (Fig. 15; Col. 14, lines 13-28, Col. 15, lines 5-32).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Kim as modified with the teachings of Sawabe. Motivation to combine would have been to provide a timing of the generation of a parental code.

As to claim 11, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses generating an on-screen display (OSD) menu including a number of playback control options (Fig. 5). Lewis and Sawabe as modified do not expressly disclose displaying a message including the information when a parental control option is selected from the menu, wherein the information includes the plurality, of parental levels in selectable form; receiving a signal from a user selecting one of the parental levels corresponding to the second parental code.

Kim further discloses displaying a message including the information when a parental control option is selected from the menu, wherein the information includes the

plurality, of parental levels in selectable form (Fig. 3B);
receiving a signal from a user selecting one of the parental levels corresponding to the second parental code (Fig. 3B; Col. 5, lines 26-30).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Sawabe as modified with the teachings of Kim. Motivation to combine would have been to provide choice of parental codes to be selected by a user.

As to claim 12, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Lewis further discloses wherein the displaying a message comprises one of displaying the message for a predetermined time before a corresponding video program plays back and displaying the message until acknowledged by appropriate user action (Fig. 9; Col. 7, lines 31-53)

As to claim 13, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe further discloses comprising recording the second parental code and information that indicates the generation of the second parental code (Col 15, lines 2-32; Fig. 1, video manager).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Kim as modified with the teachings of Sawabe. Motivation to combine would have been to provide information to control reproduction.

As to claim 14, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe further discloses wherein the recording is performed on a mobile recording medium (Fig. 1A).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Kim as modified with the teachings of Sawabe. Motivation to combine would have been to provide mobility so that a user can take a recording medium anywhere.

As to claim 15, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe further discloses a first memory area to store a video signal (Fig. 1, 3), a second memory area to store the parental code for controlling a parental view (fig. 1, 2) wherein parental code is configured to be renewed by a command, and a third memory area to store information indicating the renewal of the parental code (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Kim as modified with the teachings of Sawabe. Motivation to combine would have been to provide different locations to store information.

As to claim 27, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. Sawabe discloses further comprising:
a controller (Fig. 15, 75);
a memory (Fig. 15, 71);
an optical pickup for inputting and outputting data for a loaded recording medium (Fig. 16, 80).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Sawabe as modified with the teachings of Kim.

Motivation to combine would have been to provide a system to properly control reproduction.

Lewis and Sawabe as modified do not expressly disclose an on-screen generator;

Kim discloses an on-screen generator (Fig. 1, 205)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis and Sawabe as modified with the teachings of Kim.

Motivation to combine would have been to provide on screen display.

4. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" in view of U.S. Patent 6,519,412 to "Kim".

As to claim 17, Sawabe discloses a recording medium (Fig. 1A), comprising:
a first memory area configured to store a video signal (Fig. 1, 3);
a second memory area (video manager 2) configured to store a parental code that controls viewing access to a video program in the video signal, where in the parental code is configured to be updated and recorded in the second memory area (Video manager 2, Fig. 1; Col. 2 lines 60-67)

a third memory area configured to store status information indicating the renewal of the parental code recorded in the second memory area (video manager 2)(Fig, 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

Sawabe does not expressly disclose wherein the parental code is a user-selected code to be updated with another user-selected code by a command;

Kim discloses wherein the wherein the parental code is a user-selected code to be updated with another user-selected code by a command (Figs. 3b and 4; Col. 1, lines 7-14, lines 42-60; Col. 7, lines 25-30);

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Sawabe as modified with the teachings of Kim. Motivation would have been to allow users to be able to change parental codes with a command.

As to claim 18, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the user-selected parental code is a prescribed second parental code used for controlling viewing when a video program stored on the recording medium does not contain a first parental code (Abstract; Col. 1, lines 46-67; Col. 2, line 1-7, lines 60-65).

As to claim 19, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the second parental code is generated as a value set by a user (Col. 13, lines 37-44).

As to claim 20, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the status information is time information when the parental code is generated (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

As to claim 21, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the status information is time stamp information when the parental code is renewed (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

As to claim 22, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Kim further discloses wherein the renewal of the parental code is at least one of reset by a user and operated by a password (Figs. 3A, 3B and Fig. 4).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe as modified with the teachings of Kim. Motivation would have been to provide a password screen indicating password input requirement to allow only the allowed users to be able to change parental codes.

As to claim 23, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the status information is a history interval recording over a prescribed period of time (Fig. 1, 2; Figs. 8 and 10; Col. 11, lines 51-67, Col. 12, lines 1-27; Col 13, lines 65-67, Col. 14, lines 1-67, Col. 15, line 1-32).

As to claim 24, Sawabe and Kim as modified disclose everything claimed as applied in claim 17 above. Sawabe further discloses wherein the memory areas are provided on at least one of a memory provided in a mobile recording medium (Fig. 1).

5. Claims 4, 5, 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,385,388 B1 to Lewis et al. "Lewis" in view of U.S. Patent 5,933,569 to Sawabe et al. "Sawabe" and in view of U.S. Patent 6,519,412 to "Kim" and in further view of U.S. Patent Pub. 2003/0026593 A1 to Ostrover.

As to claim 4, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. However Lewis, Sawabe and Kim as modified do not expressly disclose wherein the second parental code is generated as a default value.

Ostrover discloses wherein the second parental code is generated as a default value (0014;0041).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe and Kim as modified with the teachings of Ostrover. Motivation to combine would have been to generate a default code so that when a user is unable to enter a code for some reason a code is entered for the user automatically even though the user is not present.

As to claim 5, Lewis, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. However Lewis, Sawabe and Kim as modified do not expressly disclose wherein the default value is responsive to one of a source of the video signal.

Ostrover discloses wherein the default value is responsive to one of a source of the video signal (0025).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe and Kim as modified with the teachings of

Ostrover. Motivation to combine would have been to provide a response to a video signal.

As to claim 7, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. However Lewis, Sawabe and Kim as modified do not expressly disclose wherein the first and second parental codes are generated by a unit of a device producing the video program.

Ostrover discloses wherein the first and second parental codes are generated by a unit of a device producing the video program (Fig. 3, 0029).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe and Kim as modified with the teachings of Ostrover. Motivation to combine would have been to provide a mechanism to enter both first and second parental code so that parental codes can be added to a medium to control its reproduction.

As to claim 26, Sawabe and Kim as modified disclose everything claimed as applied in claim 1 above. However Lewis, Sawabe and Kim as modified do not expressly disclose wherein the second parental code is one of a generated of generated as a default value and generated as a value set by a user.

Ostrover discloses wherein the second parental code is one of a generated of generated as a default value and generated as a value set by a user (0014;0041).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Lewis, Sawabe and Kim as modified with the teachings of

Ostrover. Motivation to combine would have been to provide user control to change parental level on a disk.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621

